



Federal Communications Commission
Washington, D.C. 20554

DA 09-1238

June 3, 2009

Mr. George F. Wazeter
Telesat Network Services
135 Routes 202/206
Bedminster, NJ 07921-7018

Re: Call Sign E980250
File No. SES-MOD-20090429-00535

Dear Mr. Wazeter:

On April 29, 2009, Telesat Network Services, Inc. ("Telesat") filed the above-captioned modification application to remove a condition on an earth station license held by Telesat. For reasons discussed below, we dismiss this application as defective, without prejudice to refiling.¹

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. In response to question 36 of its modification application, Telesat answered "Yes" to the question: "Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial modification or renewal of FCC station authorization, license or construction permit denied by the Commission. If Yes, please attach as an exhibit an explanation of circumstances". Sections 1.10007 and 25.130 of the Commission's rules, 47 C.F.R. §§ 1.10007 and 25.130, directs earth station applicants to file all required exhibits as an attachment to their electronic applications prior to filing. Telesat did not attach an exhibit explaining the circumstances surrounding the unfavorable action by the Commission.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss, as incomplete, the modification application of Telesat without prejudice to refiling.

Sincerely,

Kathryn Medley
Chief, Satellite Engineering Branch
Satellite Division
International Bureau

¹ If Telesat refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1111(d).